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Crl.O.P.No.9689 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.9689 of 2025
and Crl.M.P.No.6417 of 2025

1. Thomson
2. Allen
3. A.Tchacko
4. Vigneshwaran

... Petitioners

Vs.

1. The State Rep. by its
The Inspector of Police,
Avadi – CCB,
Avadi.

2. Sathikumar

.. Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to call for the records relating in FIR in Crime No.119/2024 dated 21.11.2024 on the file of the first respondent police and quash the same.

For Petitioners : Mr. G.Sasikannan

For Respondents

For R1 : Mr. R.Vinothraja
Government Advocate (Crl. Side)

For R2 : Mr. R.Shenbaga Babu



Crl.O.P.No.9689 of 2025

ORDER

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This petition has been filed to quash the F.I.R. in Crime No.119 of 2024 registered by the first respondent police for offences under Sections 406, 417, 419, 465, 467, 468 & 420 of IPC, as against the petitioners.

2. On the complaint lodged by the second respondent, the first respondent registered the FIR in Crime No.119 of 2024, alleging that the second respondent is the sole proprietor of boiler mounting high pressure valves manufacturing company. In order to manufacture the high pressure valves, the second respondent had obtained proper certificate, GST and ROC from various departments. While being so, the accused persons have fabricated the Form - III certificate and obtained purchase order. Further they have also forged the signature of the second respondent and obtained GST, NSIC and ROC etc. Hence the complaint.

3. The learned Counsel appearing for the petitioners would submit that the petitioners never fabricated any documents, since the third petitioner is the owner of the property, in which the factory is situated. Further no one had forged the signature of the second



Crl.O.P.No.9689 of 2025

respondent. Without any base, the first respondent police registered a case in Crime No.119 of 2024 for the offences under Sections 406, 417, 419, 465, 467, 468 & 420 of IPC, as against the petitioners. Hence he prayed to quash the same.

4. The learned Government Advocate (Crl. Side) would submit that the investigation is almost completed and the first respondent police is yet to file a final report.

5. Heard the learned Counsel appearing on either side and perused the materials placed on record.

6. On perusal of records and on the submissions made by the learned counsel appearing for the second respondent, it is revealed that the second respondent is the proprietor of factory called Sri Iyyappa Industries, which is manufacturing high pressure valves. On the basis of the rental agreement dated 01.11.2021, the petitioners had obtained GST, ROC certificate using the second respondent's factory address and also obtained purchase orders from the companies.



Crl.O.P.No.9689 of 2025

7. It is seen from the First Information Report that there are specific allegations as against the petitioners to attract the offence, which has to be investigated in depth. Further the FIR is not an encyclopedia and it need not contain all facts and it cannot be quashed in its threshold. This Court finds that the FIR discloses prima facie commission of cognizable offence and as such this Court cannot interfere with the investigation. The investigating machinery has to step in to investigate, grab and unearth the crime in accordance with the procedures prescribed in the Code.

8. The Hon'ble Supreme Court of India passed in the judgment reported in **2019 (14) SCC 350** in the case of ***Sau. Kamal Shivaji Pokarnekhar vs. The State of Maharashtra & ors., (Crl.A.No.255 of 2019*** dated **12.02.2019**) held that the learned Magistrate while taking cognizance and summoning, is required to apply his judicial mind only with the view to taking cognizance of the offence whether a *prima facie* case has been made out for summoning the accused person. The learned Magistrate is not required to evaluate the merits of the materials or evidence in support of the complaint, because the Magistrate must not undertake the exercise to find out whether the materials would lead to



Crl.O.P.No.9689 of 2025

conviction or not. Only in a case where the complaint does not disclose any offence or is frivolous, vexatious or oppressive, the complaint/FIR can be taken for consideration for quashment. If the allegations set out in the complaint do not constitute the offence of which cognizance has been taken by Magistrate, it can be considered for quashment. Therefore, it is not necessary that a meticulous analysis of the case should be done before the trial to find out whether the case would end in conviction or acquittal. If it appears on a reading of the complaint and consideration of the allegations therein, in the light of the statement made on oath that the ingredients of the offence are disclosed, there would be no justification to interfere. At the initial stage of issuance of process, it is no open to the Court to stifle the proceedings by entering into the merits of the contentions made on behalf of the accused. Therefore, the criminal complaint cannot be quashed only on the ground that the allegations made therein appear to be of a civil nature. If the ingredients of the offence alleged against the accused are *prima facie* made out in the complaint, the criminal proceeding shall not be interdicted.

9. Further the Hon'ble Supreme Court of India issued directions in the judgment reported in **2021 SCC Online SC 315** in the



Crl.O.P.No.9689 of 2025

case of ***M/s.Neeharika Infrastructure Pvt. Ltd., Vs. State of***

Maharashtra & ors., as follows :-

“23.

vi) *Criminal proceedings ought not to be scuttled at the initial stage;*

vii) *Quashing of a complaint/FIR should be an exception rather than an ordinary rule;*

.....

xii) *The first information report is not an encyclopaedia which must disclose all facts and details relating to the offence reported. Therefore, when the investigation by the police is in progress, the court should not go into the merits of the allegations in the FIR. Police must be permitted to complete the investigation. It would be premature to pronounce the conclusion based on hazy facts that the complaint/FIR does not deserve to be investigated or that it amounts to abuse of process of law. After investigation, if the investigating officer finds that there is no substance in the application made by the complainant, the investigating officer may file an appropriate report/summary before the learned Magistrate which may be considered by the learned Magistrate in accordance with the known procedure;*

.....

xv) *When a prayer for quashing the FIR is made by*



Crl.O.P.No.9689 of 2025

the alleged accused and the court when it exercises the power under Section 482 Cr.P.C., only has to consider whether the allegations in the FIR disclose commission of a cognizable offence or not. The court is not required to consider on merits whether or not the merits of the allegations make out a cognizable offence and the court has to permit the investigating agency/police to investigate the allegations in the FIR;”

10. In view of the above discussions, this Court is not inclined to quash the First Information Report. However, considering the crime is of the year 2024, the first respondent is directed to complete the investigation in Crime No.119 of 2024 and file a final report within a period of twelve weeks from the date of receipt of copy of this Order, before the jurisdiction Magistrate, if not already filed.

11. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

29.04.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
rts



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To

1. The Inspector of Police,
Avadi – CCB,
Avadi.

2. The Public Prosecutor,
High Court, Madras.



Crl.O.P.No.9689 of 2025

G.K.ILANTHIRAIYAN, J.

rts

Crl.O.P.No.9689 of 2025
and Crl.M.P.No.6417 of 2025

29.04.2025